

(2013) 01 JH CK 0094
In the Jharkhand High Court
Case No : Writ Petition (S) No. 5033 of 2012

Babudhan Hansda

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 09-01-2013

Acts Referred:

Citation : (2013) 2 JLJR 154

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Advocate : Atanu Banerjee, for the Appellant;

Judgement

Narendra Nath Tiwari, J.—The petitioner has prayed for a direction on the respondents to make payment of arrears of salary for the period from 1st January, 1999 to 24th September, 2004. It has been submitted that the petitioner had continuously worked as Paid Manager at Deoghar-Jamtara Co-operative Society Bank Limited during the said period. The petitioner, thereafter, was posted on Class-III post in the Block Office, Pathargama, District-Godda on the basis of the examination held by the Jharkhand Public Service Commission in the light of the order of the Hon''ble Supreme Court. After joining the said post, the petitioner filed representation for payment of the said arrears of salary, but neither the arrears of salary was paid to the petitioner nor any order was passed by the respondents.

2. The respondents have filed their counter affidavit. In the counter affidavit, they have not denied/disputed the petitioner''s claim. They have taken stand that for want of adequate fund, the arrears of salary could not be paid to the petitioner.

3. I have heard learned counsel for the parties and considered the facts and materials on record. It is admitted position that the petitioner was not paid salary for the period from 1st January, 1999 to 24th September, 2004, though he had continuously worked and discharged his duty. It is the duty of the respondents to

make payment of salary to the petitioner. Non-availability of fund cannot be a valid ground for denying the petitioner's claim regarding arrears of salary. In view of the above, this writ petition is disposed of, directing the Managing Director, Deoghar-Jamtara Central Co-operative Bank Limited, Deoghar-Respondent No. 2 to pay the admitted dues of salary to the petitioner within two months from the date of receipt/production of a copy of this order.